



# Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Thirty-seventh Meeting Day

Thursday Afternoon

March 29, 2007

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for guidance and insight (printed January 8, 2007).

The Pledge of Allegiance to the Flag was led by Representative Craig R. Fry.

The Speaker ordered the roll of the House to be called:

Austin	Klinker
Avery	Knollman
Bardon	Koch
Battles	Kuzman
Behning	L. Lawson
Bell	Lehe
Bischoff	Leonard
Borders	Lutz
Borror	Mays
Bosma	McClain
C. Brown	Micon
T. Brown	Moses
Buck	Murphy
Buell	Neese
Burton	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cheney	Oxley
Cherry	Pelath
Cochran	Pflum
Crawford	Pierce
Crooks	Pond
Crouch	Porter
Davis	Reske
Day	Richardson
Dembowski	Ripley
Denbo	Robertson
Dermody	Ruppel
Dickinson	Saunders
Dobis	M. Smith ☐
Dodge	V. Smith
Duncan	Soliday
Dvorak	Stemler
Eberhart	Stevenson
Elrod	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer ☐
E. Harris	VanHaaften
T. Harris	Walorski
Herrell	Welch
Hinkle	Whetstone
Hoy	Wolkins
Kersey	Mr. Speaker

Roll Call 412: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, April 2, 2007, at 1:00 p.m.

ROBERTSON

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1018, 1129, 1288, 1505, 1546, 1654, 1678, 1726, and 1778 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL

Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1034, 1301, and 1818 and the same are herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Governor has on the 27th day of March approved Senate Enrolled Act 5 and the same has been deposited with the Secretary of State.

MARY C. MENDEL

Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 16 and the same is herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 49

Representative Bischoff introduced House Concurrent Resolution 49:

A CONCURRENT RESOLUTION recognizing Carnegie Hall, Moores Hill, Indiana, on the occasion of the 100th anniversary of its founding.

*Whereas, Carnegie Hall stands as a tribute and a proud reminder of the progressiveness of the citizens of Indiana and Hoosier educators;*

*Whereas, The three and one-half story neogothic structure began its role in Indiana history in 1854 when Moores Hill College opened its doors to men and women;*

*Whereas, Moores Hill College played an important role in the establishment of coeducation in Indiana; DePauw and Indiana University did not establish coeducation until eleven years later;*

*Whereas, Moores Hill College was the second established college in Indiana and, some believe, the fifth college in the nation;*

*Whereas, In the early days, Moores Hill College provided instruction from the first grade to the baccalaureate level;*

*Whereas, The college contained an academy department for high school level students, contained a "normal school" that provided teacher training, and eventually added commercial subjects, agriculture, music, and arts and sciences for the A.B. degree;*

*Whereas, In 1917, Moores Hill College moved to Evansville and is today known as the University of Evansville;*

*Whereas, Carnegie Hall continued its usefulness as a Dearborn County high school and then as Moores Hill High School;*

*Whereas, In 1978, Carnegie Hall graduated its last class of seniors when Moores Hill consolidated with three other schools and was converted into an elementary school;*

*Whereas, When the last elementary school student left Carnegie Hall in 1987, the building sat vacant;*

*Whereas, The Carnegie History Landmarks Preservation Society, Inc. was founded in 1987 to maintain and preserve historic Carnegie Hall; and*

*Whereas, Carnegie Hall stands as a monument to a few Hoosier settlers who dreamed of a college education for their children, both boys and girls, and as a reminder of the history of our great state: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the part Carnegie Hall has played in the history of our state and recognizes it on the occasion of the 100th anniversary of its founding.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Kent Abraham, Director, Southeast Field Office, Historic Landmarks Foundation of Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Nugent.

### House Concurrent Resolution 50

Representative Bischoff introduced House Concurrent Resolution 50:

A CONCURRENT RESOLUTION recognizing Laughery Valley Fish and Game on the occasion of the 30th anniversary of its founding.

*Whereas, Laughery Valley Fish and Game is a nonprofit organization located near Friendship, Indiana;*

*Whereas, The goal of Laughery Valley Fish and Game is to "develop 52 acres of land into a multipurpose outdoor educational facility to promote conservation and the wise use of our natural resources";*

*Whereas, Laughery Valley Fish and Game offers several conservation and hunting programs, including hunter education, shooting sports instruction, and wildlife management and wildlife and natural resource management projects and numerous free educational programs concerning our natural resources;*

*Whereas, Laughery Valley Fish and Game was originally established in 1949 but faded from the scene shortly thereafter, leaving a small treasury in the Friendship Bank;*

*Whereas, During the harsh winters of the mid 1970s, a small group of sportsmen came together in an attempt to regenerate small game that had been decimated by three harsh winters;*

*Whereas, Friendship Bank offered the group the dowry left by the original Laughery Valley Fish and Game if the new group took the same name;*

*Whereas, Throughout the years Laughery Valley Fish and Game has been involved in many conservation and wildlife programs, one of its most successful being the reintroduction of wild turkeys into southeastern Indiana;*

*Whereas, The natural resources of our state are among its greatest treasures; and*

*Whereas, Through the years Laughery Valley Fish and Game has provided educational programs that will help us all conserve and use these natural resources wisely: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes Laughery Valley Fish and Game on the occasion of the 30th anniversary of its creation and encourages the organization to continue to educate the citizens of Indiana about conservation and the wise use of natural resources.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Laughery Valley Fish and Game.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Nugent.

### House Resolution 43

Representative V. Smith introduced House Resolution 43:

A HOUSE RESOLUTION honoring Patti LaBelle.

*Whereas, Patti LaBelle is thought by many to be a living legend;*

*Whereas, Patti LaBelle is considered a powerful singer and songwriter who has amassed one of the broadest fan bases in the world;*

*Whereas, Patti LaBelle's musical roots were planted in a Baptist choir in her hometown of Philadelphia;*

*Whereas, Patti LaBelle began her professional career in 1960 when she and Cindy Birdsong formed the Ordettes;*

*Whereas, The group expanded in 1961 to include Nona Hendryx and Sarah Dash, and the name was changed to the Blue Belles;*

*Whereas, By 1962 Patti and her group had a Top 20 hit; and, in 1965, Labelle and her group, now known as Patti LaBelle and the Blue Belles, turned "Somewhere Over the Rainbow" into a huge hit;*

*Whereas, In 1974, Patti LaBelle and the Blue Belles became the first group to perform at the Met in New York;*

*Whereas, In 1977, Patti LaBelle left the group to begin a solo career;*

*Whereas, Throughout her career, Patti LaBelle has received numerous awards and recognitions of her great talent, including eight Grammy Award nominations, two Grammy Awards, seven National Association for the Advancement of Colored People Image Awards, three Emmy nominations, two American Music Awards, the Soul Train Lifetime Achievement Award, and the Black Entertainment Television's Walk of Fame Award;*

*Whereas, Ever the consummate entertainer, Patti LaBelle is also a dedicated humanitarian, championing such causes as adoption, foster care, Big Sisters, and the United Negro College Fund;*

*Whereas, Ms. LaBelle serves as a national spokeswoman for numerous organizations, including the National Medical Association, the National Minority AIDS Council's "Live Long, Sugar" campaign, the national Alzheimer's Association, the National Cancer Institute, and the American Diabetes Association;*

*Whereas, A diabetic herself, Patti LaBelle has been proactive in the fight against the disease that claimed her mother's life; and*

*Whereas, A woman of great talent and compassion, Patti LaBelle has enriched the music world and inspired lives throughout the world through her songs, philanthropy, community service, and positive daily living: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives acknowledges the hours of musical pleasure and dedicated, compassionate service Patti LaBelle has given to the world. Through her beautiful voice, she has brightened the lives of countless people throughout the world.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Patti LaBelle.

The resolution was read a first time and adopted by voice vote.

#### House Resolution 44

Representative Battles introduced House Resolution 44:

A HOUSE RESOLUTION recognizing the Oakland City Wood Memorial High School girls basketball team.

*Whereas, The Oakland City Wood Memorial Lady Trojans fought a hard battle full of heroic rallies in the Class A girls basketball state championship but came up just a little shy;*

*Whereas, The Lady Trojans finished second to Oregon-Davis High School in the championship game by a score of 54-46;*

*Whereas, The Lady Trojans battled back from a 20 point deficit at halftime to be within five points, 44-9, midway through the fourth quarter;*

*Whereas, Senior Kaiti Cochran had 10 blocks, setting a Class A state record, and added 17 points and 13 rebounds to finish the game with a triple-double; and*

*Whereas, The Oakland City Wood Memorial girls basketball team played the game with determination and courage, displaying a never-say-die attitude that is an example of the strength of character and determination that is found in many Hoosiers: Therefore,*

*Be it resolved by the House of Representatives*

*Of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates the Oakland City Wood Memorial High School girls basketball team on being runner-up in the Class A girls state basketball championship and wishes team members continued success in the years to come.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Kayla Pflug, Whitney Malin, Shadove Besing, Crista Gonzales, Chelsea Runau, Morgan Schnarr, Hannah Brewster, Katie Strickland, Kaiti Cochran, Jamie McDonald, Keely Wilhite, and Brooke Doerner, head coach Johnnie Bartley, assistant coach Howard Ellis, principal Roger Benson, athletic

director Steve Kilian, and superintendent Lynn Blinzinger.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

#### RECESS

The House reconvened at 2:30 p.m. with the Speaker in the Chair.

Representative Bosma rose to a point of order requested a quorum call. The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum.

Roll Call 413: 78 present.

#### ENGROSSED SENATE BILLS ON SECOND READING

##### Engrossed Senate Bill 9

Representative Moses called down Engrossed Senate Bill 9 for second reading. The bill was read a second time by title.

##### HOUSE MOTION (Amendment 9-1)

Mr. Speaker: I move that Engrossed Senate Bill 9 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

Page 6, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 3. IC 22-11-14-12, AS ADDED BY P.L.187-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A user fee, known as the public safety fee, is imposed on retail transactions made in Indiana of fireworks, in accordance with section 13 of this chapter.

(b) A person who acquires fireworks in a retail transaction is liable for the public safety fee on the transaction and, except as otherwise provided in this chapter, shall pay the public safety fee to the retailer as a separate added amount to the consideration in the transaction. The retailer shall collect the public safety fee as an agent for the state.

(c) The public safety fee shall be deposited in the state general fund.

(d) The department of state revenue shall adopt rules under IC 4-22-2 necessary for the collection of the public safety fee monies from retailers as described in subsections (b) and (c).

(e) An amount equal to the amount of the public safety fees collected under this section is continuously appropriated from the state general fund to the department of homeland security for the following purposes:

(1) On June 30 of each year, the department of homeland security shall pay to each volunteer fire department (as defined in IC 36-8-12-2) an amount equal to fifty percent (50%) of the amount appropriated under this subsection divided by the number of volunteer fire departments in Indiana.

(2) The department of homeland security shall use twenty-five percent (25%) of the amount appropriated under this subsection for public safety service providers or advanced training programs.

(3) The department of homeland security shall use twenty-five percent (25%) of the amount appropriated under this subsection for the following purposes, at the discretion of the executive director of the department of homeland security:

(A) For deposit in the state disaster relief fund established by IC 10-14-4-5. The amount deposited under this clause shall be used to pay for damage resulting from a disaster (as defined in IC 10-14-3-1) to a public facility (as defined in IC 10-14-4-4) owned by, maintained by, or operated by or on behalf of an eligible entity (as defined in IC 10-14-4-2), in accordance with IC 10-14-4.

(B) To defray:

(i) the costs of response;

(ii) the costs of recovery; or

(iii) the twenty-five percent (25%) of the costs required to be paid by local jurisdictions;

that accrue because of a disaster that is the subject of a disaster declaration by the federal government."

Renumber all SECTIONS consecutively.

(Reference is to ESB 9 as printed March 27, 2007.)

CROOKS

Motion prevailed.

#### HOUSE MOTION

(Amendment 9-3)

Mr. Speaker: I move that Engrossed Senate Bill 9 be amended to read as follows:

Page 6, between lines 31 and 32, begin a new line triple block indented and insert:

**(A) between the hours of 5 p.m. and 11 p.m. on the last Monday in May;**

Page 6, line 32, delete "(A)" and insert "(B)".

Page 6, line 34, delete "(B)" and insert "(C)".

Page 6, line 35, delete "(C)" and insert "(D)".

Page 6, between lines 36 and 37, begin a new line triple block indented and insert:

**(E) between the hours of 5 p.m. and 11 p.m. on the first Monday in September.**

Page 6, line 37, delete "(D)" and insert "(F)".

(Reference is to ESB 9 as printed March 27, 2007.)

RUPPEL

Motion failed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative E. Harris.

### Engrossed Senate Bill 93

Representative Mays called down Engrossed Senate Bill 93 for second reading. The bill was read a second time by title.

#### HOUSE MOTION

(Amendment 93-1)

Mr. Speaker: I move that Engrossed Senate Bill 93 be amended to read as follows:

Page 1, between lines 13 and 14, begin a new line block indented and insert:

**"(3) Have a battery operated or hard wired smoke detector in each resident's room before July 1, 2012."**

Page 2, line 1, delete "JULY1," and insert "JULY 1,".

Page 2, line 13, delete "Whether" and insert "Until July 1, 2012, whether".

Page 2, line 14, after "(A)" insert "a".

Page 2, line 15, after "(B)" insert "a".

Page 2, line 17, delete "detectors in its residents' rooms." and insert "detector in each resident's room."

Page 2, between lines 17 and 18, begin a new line block indented and insert:

**"(2) After June 30, 2012, whether a health facility has:**

**(A) a battery operated; or**

**(B) a hard wired;**

**smoke detector in each resident's room."**

Page 2, line 18, delete "(2)" and insert "(3)".

(Reference is to ESB 93 as printed March 23, 2007.)

MAYS

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 113

Representative Reske called down Engrossed Senate Bill 113 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 114

Representative VanHaaften called down Engrossed Senate Bill 114 for second reading. The bill was read a second time by title.

#### HOUSE MOTION

(Amendment 114-2)

Mr. Speaker: I move that Engrossed Senate Bill 114 be amended to read as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert:

**"(d) This section expires June 30, 2014."**

Page 2, after line 42, begin a new paragraph and insert:

**"(d) This section expires June 30, 2014."**

(Reference is to ESB 114 as printed March 27, 2007.)

T. BROWN

Motion failed.

#### HOUSE MOTION

(Amendment 114-1)

Mr. Speaker: I move that Engrossed Senate Bill 114 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 27-8-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) An insurer may:**

(1) enter into agreements with providers relating to terms and conditions of reimbursement for health care services that may be rendered to insureds of the insurer, including agreements relating to the amounts to be charged the insured for services rendered or the terms and conditions for activities intended to reduce inappropriate care;

(2) issue or administer policies in this state that include incentives for the insured to utilize the services of a provider that has entered into an agreement with the insurer under subdivision (1); and

(3) issue or administer policies in this state that provide for reimbursement for expenses of health care services only if the services have been rendered by a provider that has entered into an agreement with the insurer under subdivision (1).

(b) Before entering into any agreement under subsection (a)(1), an insurer shall establish terms and conditions that must be met by providers wishing to enter into an agreement with the insurer under subsection (a)(1). These terms and conditions may not discriminate unreasonably against or among providers. For the purposes of this subsection, neither differences in prices among hospitals or other institutional providers produced by a process of individual negotiation nor price differences among other providers in different geographical areas or different specialties constitutes unreasonable discrimination. Upon request by a provider seeking to enter into an agreement with an insurer under subsection (a)(1), the insurer shall make available to the provider a written statement of the terms and conditions that must be met by providers wishing to enter into an agreement with the insurer under subsection (a)(1).

(c) No hospital, physician, pharmacist, or other provider designated in IC 27-8-6-1 willing to meet the terms and

conditions of agreements described in this section may be denied the right to enter into an agreement under subsection (a)(1). When an insurer denies a provider the right to enter into an agreement with the insurer under subsection (a)(1) on the grounds that the provider does not satisfy the terms and conditions established by the insurer for providers entering into agreements with the insurer, the insurer shall provide the provider with a written notice that:

(1) explains the basis of the insurer's denial; and  
 (2) states the specific terms and conditions that the provider, in the opinion of the insurer, does not satisfy.  
 (d) In no event may an insurer deny or limit reimbursement to an insured under this chapter on the grounds that the insured was not referred to the provider by a person acting on behalf of or under an agreement with the insurer.

(e) No cause of action shall arise against any person or insurer for:

(1) disclosing information as required by this section; or  
 (2) the subsequent use of the information by unauthorized individuals.

Nor shall such a cause of action arise against any person or provider for furnishing personal or privileged information to an insurer. However, this subsection provides no immunity for disclosing or furnishing false information with malice or willful intent to injure any person, provider, or insurer.

(f) Nothing in this chapter abrogates the privileges and immunities established in IC 34-30-15 (or IC 34-4-12.6 before its repeal)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 114 as printed March 27, 2007.)

RIPLEY

After discussion, Representative Ripley withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 123

Representative Stevenson called down Engrossed Senate Bill 123 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 193

Representative C. Brown called down Engrossed Senate Bill 193 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Davis was excused for the rest of the day.

### Engrossed Senate Bill 327

Representative Mays called down Engrossed Senate Bill 327 for second reading. The bill was read a second time by title.

HOUSE MOTION  
 (Amendment 327-1)

Mr. Speaker: I move that Engrossed Senate Bill 327 be amended to read as follows:

Page 2, delete lines 27 through 42.

Delete page 3.

(Reference is to ESB 327 as printed March 27, 2007.)

NOE

Upon request of Representatives Buck and Noe, the Speaker ordered the roll of the House to be called. Roll Call 414: yeas 44, nays 52. Motion failed.

HOUSE MOTION  
 (Amendment 327-3)

Mr. Speaker: I move that Engrossed Senate Bill 327 be amended to read as follows:

Page 1, line 3, delete "(a)".

Page 1, delete line 6.

Page 1, line 7, delete "(3)" and insert "(2)".

Page 1, delete lines 8 through 9.

(Reference is to ESB 327 as printed March 27, 2007.)

THOMPSON

Upon request of Representatives Thompson and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 415: yeas 45, nays 51. Motion failed.

HOUSE MOTION  
 (Amendment 327-9)

Mr. Speaker: I move that Engrossed Senate Bill 327 be amended to read as follows:

Page 2, line 29, delete "Each school that enrolls grade 6 female".

Page 2, line 30, delete "students shall require the" and insert "The".

Page 2, line 31, delete "to furnish" and insert "shall submit to the state department of health or the local health department having jurisdiction".

Page 2, line 40, delete "school" and insert "state department of health or the local health department having jurisdiction".

Page 3, line 4, delete "school" and insert "state department of health or the local health department having jurisdiction".

Page 3, delete lines 21 through 28.

Page 3, after line 42, begin a new paragraph and insert:

"(d) Beginning in the 2008-2009 school year, the state department of health in collaboration with each local health department shall compile the data described in section 5.5 of this chapter and prepare an annual report that includes the number of female students in grade 6 who:

(1) have or will have; and

(2) have not;

been immunized against human papillomavirus (HPV) infection and the number of female students in grade 6 whose parent chose not to provide the information to the state department of health or the local health department having jurisdiction concerning whether the student was immunized."

(Reference is to ESB 327 as printed March 27, 2007.)

LEHE

Motion failed.

HOUSE MOTION  
 (Amendment 327-11)

Mr. Speaker: I move that Engrossed Senate Bill 327 be amended to read as follows:

Page 2, line 5, delete "female".

Page 2, line 6, delete "female".

Page 2, line 29, delete "female".

Page 2, line 30, delete "female".

Page 3, line 22, delete "female".

Page 3, line 26, delete "female".

(Reference is to ESB 327 as printed March 27, 2007.)

T. BROWN

Motion failed.

HOUSE MOTION  
 (Amendment 327-12)

Mr. Speaker: I move that Engrossed Senate Bill 327 be amended to read as follows:

Page 2, between lines 26 and 27, begin a new line block indented and insert:

"(5) A listing of all ingredients, active and inactive, including all adjuvants, contained in the human papillomavirus (HPV) vaccine.

(6) The latest information on all known risks and side effects associated with any ingredient, active and inactive, including all adjuvants, contained in the

**human papillomavirus (HPV) vaccine."**

(Reference is to ESB 327 as printed March 27, 2007.)

STUTZMAN

Upon request of Representatives Stutzman and Friend, the Speaker ordered the roll of the House to be called. Roll Call 416: yeas 50, nays 45. Motion prevailed. The bill was ordered engrossed.

**Engrossed Senate Bill 357**

Representative Dembowski called down Engrossed Senate Bill 357 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

With consent of the members, the Speaker returned to reports from committees.

**REPORTS FROM COMMITTEES****COMMITTEE REPORT**

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 155, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

STEVENSON, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-15-31.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) If an adjustment in dispensing fees is made following a survey conducted under section 1 of this chapter. The secretary shall commence the rulemaking process under IC 4-22-2 to make the adjustment not later than November 1 of the year in which the survey was conducted.

(b) The office shall apply to the United States Department of Health and Human Services for an amendment to the state Medicaid plan if the office determines that an amendment is necessary to carry out this section."

Page 5, delete lines 20 through 21, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JANUARY 1, 2008] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(b) The office or a managed care organization that has contracted with the office to provide coverage for Medicaid recipients shall reimburse a physician at:

(1) a rate of one hundred percent (100%) of rates payable under the Medicaid fee structure; or

(2) a contractually agreed upon rate between the physician and the managed care organization; for professional emergency physician screening services provided under current procedural terminology (CPT) codes 99281 through 99283.

(c) The office may adopt rules under IC 4-22-2 to provide reimbursement for screening services provided in an emergency department of a hospital licensed under IC 16-21 that are not a covered service as of January 1, 2008.

(d) This SECTION expires December 31, 2008."

Renumber all SECTIONS consecutively.

(Reference is to SB 201 as printed February 2, 2007.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

C. BROWN, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 208, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

C. BROWN, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 232, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, after "(c)" insert "**This subsection applies only to a mortgage made, serviced, or held by a mortgage lender that is an insurance company, a trust company, a bank, an investment company, a savings bank, a savings association, a credit union, or other entity authorized to do business in Indiana and that is regularly engaged in the business of mortgage lending.**"

Page 1, line 13, after "instrument" insert "**referred to in subsection (a)**".

Page 2, line 2, delete "and is" and insert "**which provides**".

(Reference is to SB 232 as reprinted February 26, 2007.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

L. LAWSON, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 316, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

C. BROWN, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 320, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 14, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 9. IC 25-23.6-11-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) An individual licensed under this article may not administer or interpret a psychological test as a professional activity unless the individual is competent by education and training to administer or interpret the psychological test. An individual may demonstrate competence by meeting the qualifications established by the developer, publisher, or authorized distributor of the psychological test.

**(b) An individual who violates this section commits a Class A misdemeanor.**

SECTION 10. IC 25-33-1-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) ~~Except as provided in sections 3(g) and 14(c) of this chapter,~~ This article exempts a person who does not profess to be a psychologist and who is:

- (1) a certified marriage and family therapist;
- (2) a certified social worker or a certified clinical social worker;
- (3) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;
- (4) a licensed or certified health care professional;
- (5) a licensed attorney;
- (6) a student, an intern, or a trainee pursuing a course of study in psychology in an accredited institution of higher education or training institution if the psychology activities are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision as determined by the board;
- (7) an employee of or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling or other assistance; or
- (8) any other certified or licensed ~~profession-~~ **professional.**

(b) To be exempt under this article, a person described under subsection (a)(1), (a)(2), (a)(4), (a)(5), (a)(6), or (a)(8) must provide services:

- (1) within the person's scope of practice and training; and
- (2) according to any applicable ethical standards of the person's profession.

SECTION 11. IC 25-33-1-3, AS AMENDED BY P.L.1-2006, SECTION 478, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) There is created a board to be known as the "state psychology board". The board shall consist of seven (7) members appointed by the governor. Six (6) of the board members shall be licensed under this article and shall have had at least five (5) years of experience as a professional psychologist prior to their appointment. The seventh member shall be appointed to represent the general public, must be a resident of this state, must never have been credentialed in a mental health profession, and must in no way be associated with the profession of psychology other than as a consumer. All members shall be appointed for a term of three (3) years. All members may serve until their successors are duly appointed and qualified. A vacancy occurring on the board shall be filled by the governor by appointment. The member so appointed shall serve for the unexpired term of the vacating member. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the state budget agency.

(b) The members of the board shall organize by the election of a chairman and a vice chairman from among its membership. Such officers shall serve for a term of one (1) year. The board shall meet at least once in each calendar year and on such other occasions as it considers necessary and advisable. A meeting of the board may be called by its chairman or by a majority of the members on the board. Four (4) members of the board constitute a quorum. A majority of the quorum may transact business.

(c) The board is empowered to do the following:

- (1) Establish reasonable application, examination, and renewal procedures and set fees for licensure under this article. However, no fee collected under this article shall, under any circumstances, be refunded.
- (2) Adopt and enforce rules concerning assessment of costs

in disciplinary proceedings before the board.

(3) Establish examinations of applicants for licensure under this article and issue, deny, suspend, revoke, and renew licenses.

(4) Subject to IC 25-1-7, investigate and conduct hearings, upon complaint against individuals licensed or not licensed under this article, concerning alleged violation of this article, under procedures conducted in accordance with IC 4-21.5.

(5) Initiate the prosecution and enjoinder of any person violating this article.

(6) Adopt rules which are necessary for the proper performance of its duties, in accordance with IC 4-22-2.

(7) Establish a code of professional conduct.

(d) The board shall adopt rules establishing standards for the competent practice of psychology.

(e) All expenses incurred in the administration of this article shall be paid from the general fund upon appropriation being made in the manner provided by law for the making of such appropriations.

(f) The bureau shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

(3) Receive and account for all fees required under this article.

(4) Deposit fees collected with the treasurer of state for deposit in the state general fund.

~~(g) The board shall adopt rules under IC 4-22-2 to establish, maintain, and update a list of restricted psychology tests and instruments (as defined in section 14(b) of this chapter) containing those psychology tests and instruments that, because of their design or complexity, create a danger to the public by being improperly administered and interpreted by an individual other than:~~

~~(1) a psychologist licensed under IC 25-33-1-5.1;~~

~~(2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);~~

~~(3) a qualified physician licensed under IC 25-22-5;~~

~~(4) a school psychologist who holds a valid:~~

~~(A) license issued by the department of education under IC 20-28-2; or~~

~~(B) endorsement under IC 20-28-12;~~

~~practicing within the scope of the school psychologist's license or endorsement; or~~

~~(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance.~~

~~(h) The board shall provide to:~~

~~(1) the social work certification and marriage and family therapists credentialing board; and~~

~~(2) any other interested party upon receiving the request of the interested party;~~

~~a list of the names of tests and instruments proposed for inclusion on the list of restricted psychological tests and instruments under subsection (g) at least sixty (60) days before publishing notice of intent under IC 4-22-2-23 to adopt a rule regarding restricted tests and instruments.~~

~~(i) The social work certification and marriage and family therapists credentialing board and any other interested party that receives the list under subsection (h) may offer written comments or objections regarding a test or instrument proposed for inclusion on the list of restricted tests and instruments within sixty (60) days after receiving the list. If:~~

~~(1) the comments or objections provide evidence indicating that a proposed test or instrument does not meet the criteria established for restricted tests and instruments; the board may delete that test from the list of restricted tests; and~~

~~(2) the board determines that a proposed test or instrument~~

meets the criteria for restriction after reviewing objections to the test or instrument; the board shall respond in writing to justify its decision to include the proposed test or instrument on the list of restricted tests and instruments.

(j) (g) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

SECTION 12. IC 25-33-1-14, AS AMENDED BY P.L.246-2005, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section does not apply to an individual who is:

- (1) a member of a teaching faculty, at a public or private institution of higher learning for the purpose of teaching, research, or the exchange or dissemination of information and ideas as an assigned duty of the institution;
- (2) a commissioned psychology officer in the regular United States armed services;
- (3) licensed by the department of education (established by IC 20-19-3-1) as a school psychologist and using the title "school psychologist" or "school psychometrist" as an employee of a school corporation; or
- (4) endorsed as an independent practice school psychologist under IC 20-28-12.

(b) As used in this section, "restricted psychology test or instrument" means a measurement instrument or device used for treatment planning, diagnosing, or classifying intelligence, mental and emotional disorders and disabilities, disorders of personality, or neuropsychological, neurocognitive, or cognitive functioning. The term does not apply to an educational instrument used in a school setting to assess educational progress or an appraisal instrument.

(c) (b) It is unlawful for an individual to:

- (1) claim that the individual is a psychologist; or
- (2) use any title which uses the word "psychologist", "clinical psychologist", "Indiana endorsed school psychologist", or "psychometrist", or any variant of these words, such as "psychology", or "psychological", or "psychologic";

unless that individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12.

(d) (c) It is unlawful for any individual, regardless of title, to render, or offer to render, psychological services to individuals, organizations, or to the public, unless the individual holds a valid license issued under this article or a valid endorsement issued under IC 20-28-12 or is exempted under section 1.1 of this chapter.

(e) It is unlawful for an individual, other than:

- (1) a psychologist licensed under IC 25-33-1-5.1;
- (2) an appropriately trained mental health provider under the direct supervision of a health service provider endorsed under IC 25-33-1-5.1(c);
- (3) a qualified physician licensed under IC 25-22-5;
- (4) a school psychologist who holds a valid:

(A) license issued by the department of education under IC 20-28-2; or

(B) endorsement under IC 20-28-12;

who practices within the scope of the school psychologist's license or endorsement; or

(5) a minister, priest, rabbi, or other member of the clergy providing pastoral counseling or other assistance;

to administer or interpret a restricted psychology test or instrument as established by the board under section 3(g) of this chapter in the course of rendering psychological services to individuals, organizations, or to the public.

(f) (d) This section may not be interpreted to prevent a licensed or certified health care professional from practicing within the scope of the health care professional's:

- (1) license or certification; and
- (2) training or credentials.

SECTION 13. IC 25-23.6-1-1.5 IS REPEALED [EFFECTIVE UPON PASSAGE]."

Page 16, after line 2, begin a new paragraph and insert:

"SECTION 16. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 320 as reprinted February 26, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 330, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 2. IC 20-26-11-11, AS ADDED BY P.L.246-2005, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) A school corporation may enter into an agreement with:

- (1) a nonprofit corporation that operates a federally approved education program; or
- (2) a nonprofit corporation that:

(A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(B) for its classroom instruction, employs teachers who are certified by the department;

(C) employs other professionally and state licensed staff as appropriate; and

(D) educates children who:

(i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to be emotionally disturbed;

(ii) have been placed with the nonprofit corporation by court order;

(iii) have been referred by a local health department;

or

(iv) have been placed in a state licensed private or public health care or child care facility as described in section 8(b) 8 of this chapter; or

(v) have been placed by or with the consent of the department under IC 20-35-6-2;

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon from the transfer tuition of the student. The amount agreed upon that may not exceed the total of:

(1) the transfer tuition costs for the student that otherwise would be payable to the transferee corporation; and

(2) a proportionate amount of any state distributions to the transferee corporation that are computed in any part using ADM or any other student count in which the student is included, if the transferee corporation includes the student in the transferee corporation's ADM for a school year.

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon, which may not exceed the total of:

(1) the transfer tuition costs that otherwise would be payable to a transferee school corporation; and



**(2) a proportionate amount of any state distributions to the transferor corporation that are computed in any part using ADM or any other student count in which the student is included, if the transferor corporation includes the student in the transferor corporation's ADM for a school year."**

Page 5, line 5, strike "or".

Page 5, line 6, delete "." and insert "; or

**(v) by or with the consent of the department under IC 20-35-6-2."**

Renumber all SECTIONS consecutively.

(Reference is to SB 330 as reprinted January 30, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

SUMMERS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 346, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, strike "Appeal by".

Page 1, line 3, strike "Applicant for Wholesalers' Permit".

Page 1, line 5, strike "IC 1971,".

Page 1, line 6, strike "7.1-3-23-30," and insert **"IC 7.1-3-23-30,"**.

Page 2, line 27, after "matter." insert **"The court shall hear and determine the matter as a five (5) member panel of judges from the superior court. The clerk of the court shall select the judges electronically and randomly. Not more than three (3) members of the five (5) member panel of judges may be of the same political party. The first judge selected shall maintain the case file and preside over the proceedings."**

Page 3, line 9, after "(b)" insert **"In a county containing a consolidated city, the petition shall be heard and determined by a five (5) member panel of judges from the superior court. The clerk of the court shall select the judges electronically and randomly. Not more than three (3) members of the five (5) member panel of judges may be of the same political party. The first judge selected shall maintain the case file and preside over the proceedings."**

**(c)".**

Page 3, line 19, strike "(c)" and insert **"(d)".**

(Reference is to SB 346 as printed January 26, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

L. LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Engrossed Senate Bill 431, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

Page 6, between lines 35 and 36, begin a new paragraph and insert:

**"SECTION 11. IC 13-18-10-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.7. (a) Except as provided in subsection (b), a new confined feeding**

**operation, including a CAFO, may not be constructed if any part of a structure that is part of the operation or of a manure treatment facility that is part of the operation would be less than one (1) mile from the boundary of any of the following:**

**(1) A parcel of land on which any of the following is located:**

**(A) A school, other than a home school.**

**(B) A health facility licensed under IC 16-28.**

**(2) A municipality.**

**(b) Subsection (a) does not apply to construction that:**

**(1) is an expansion of an existing confined feeding operation or CAFO; and**

**(2) is proposed by a person that has not committed a violation of:**

**(A) environmental management laws; or**

**(B) a rule adopted by the board; as determined by the department."**

Page 7, line 19, delete "four thousand".

Page 7, line 19, strike "dollars".

Page 7, line 19, delete "\$(\$4,000)." and insert **"one dollar (\$1)."**

Page 8, delete lines 40 through 42.

Page 9, delete lines 1 through 11.

Page 9, line 12, delete "(f)" and insert **"(e)".**

Page 9, line 13, delete "the fee determined by rule by the department as a" and insert **"one dollar (\$1)."**

Page 9, delete lines 14 through 16.

Page 9, line 17, delete "(g)" and insert **"(f)".**

Page 9, line 36, strike "and".

Page 9, line 39, delete "determination." and insert **"determination; and**

**(3) may not approve the application if the limitation in section 1.7(a) of this chapter applies to the facility that is the subject of the application."**

Page 10, line 25, delete "subsections (f) and (g)," and insert **"subsection (f)."**

Page 10, delete lines 36 through 39.

Page 10, line 40, delete "(g)" and insert **"(f)".**

Page 11, line 21, delete "(h)" and insert **"(g)".**

Page 11, line 21, delete "(i)," and insert **"(h)."**

Page 11, line 28, delete "(i)" and insert **"(h)".**

Page 11, line 32, delete "(g)" and insert **"(f)".**

Page 11, line 33, delete "(j)" and insert **"(i)".**

Page 13, line 13, delete "The following fees payable" and insert **"An annual fee of one dollar (\$1) applies to confined feeding operations and CAFOs."**

Page 13, delete lines 14 through 42.

Page 14, delete lines 1 through 8.

Page 14, line 9, delete "(d)" and insert **"(b)".**

Page 14, between lines 12 and 13, begin a new paragraph and insert:

**"(c) The department shall deposit the fee revenue collected under this section in the confined feeding operation inspection fund established by section 2.8 of this chapter.**

**SECTION 19. IC 13-18-10-2.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.8. (a) The confined feeding operation inspection fund is established to permit the department to inspect confined feeding operations, including CAFOs, to determine compliance with this title.**

**(b) The department shall administer the fund. Money in the fund is annually appropriated to the department for purposes of this chapter.**

**(c) The expenses of administering the fund shall be paid from money in the fund.**

**(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund**

in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a fiscal year does not revert to the state general fund."

Page 14, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 21. IC 13-18-10-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.5. (a) The department shall establish civil penalty matrices for the following categories:

- (1) First time violations.
- (2) Repeat violations.
- (3) Intentional violators.

(b) The civil penalty matrices established in this section must include the following factors to determine each penalty:

- (1) The magnitude of the violation.
- (2) The gravity of the effect of the violation.
- (3) The preventability of the violation.
- (4) The actions taken to prevent or correct the violation.

(c) The range of the penalties for each category of the civil penalty matrix is as follows:

- (1) First time violations, one hundred dollars (\$100) to twenty-five thousand dollars (\$25,000) for each day of violation.
- (2) Repeat violations, five hundred dollars (\$500) to fifty thousand dollars (\$50,000) for each day of violation.
- (3) Intentional violators, ten thousand dollars (\$10,000) to one hundred thousand dollars (\$100,000) for each day of violation.

SECTION 22. IC 13-18-10-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.7. The department shall inspect a confined feeding operation, including a CAFO, at least one (1) time each year if the department determines that the owner or operator has committed a violation of:

- (1) environmental management laws; or
- (2) a rule adopted by the board."

Page 15, delete lines 24 through 38, begin a new paragraph and insert:

"SECTION 25. IC 15-3-3-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) The state chemist shall adopt rules to establish a training and educational program for manure haulers and applicators concerning the application to land of manure generated from a confined feeding operation (as defined by IC 13-11-2-40), including concentrated animal feeding operations (as defined by IC 13-11-2-38.3).

(b) The program established under subsection (a) must include the following topics concerning manure hauling and application:

- (1) Manure testing.
- (2) Soil testing.
- (3) Transportation.
- (4) Manure application and handling.
- (5) Any other topics determined by the state chemist.

SECTION 26. [EFFECTIVE JULY 1, 2007] (a) Before November 1, 2007, the state chemist shall submit a report concerning the status of the manure haulers and applicators program under IC 15-3-3-17.5, as added by this act, to the general assembly in an electronic format under IC 5-14-6.

(b) This SECTION expires July 1, 2008.

SECTION 27. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "concentrated animal feeding operation" has the meaning set forth in IC 13-11-2-38.3.

(b) As used in this SECTION, "confined feeding operation" has the meaning set forth in IC 13-11-2-40.

(c) As used in this SECTION, "executive" has the meaning set forth in IC 36-1-2-5.

(d) Before January 1, 2008, the department of agriculture shall communicate with the executive of each county to:

- (1) encourage the county to adopt; and
  - (2) assist the county in adopting;
- an ordinance to address land use and zoning issues in the county related to concentrated animal feeding operations and confined feeding operations.

(e) This SECTION expires January 1, 2008."

Renumber all SECTIONS consecutively.

(Reference is to SB 431 as reprinted February 26, 2007.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

PFLUM, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Engrossed Senate Bill 461, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-22-2.1-6, AS ADDED BY P.L.188-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Not later than seven (7) days before the date of the public hearing set forth in the agency's notice under IC 4-22-2-24, the corporation shall do the following:

(1) Review the proposed rule and economic impact statement submitted to the corporation by the agency under section 5(c) of this chapter.

(2) Submit written comments to the agency on the proposed rule and the economic impact statement prepared by the agency under section 5 of this chapter. The corporation's comments may:

- (A) recommend that the agency implement one (1) or more of the regulatory alternatives considered by the agency under section 5(a)(5) of this chapter;
- (B) suggest regulatory alternatives not considered by the agency under section 5(a)(5) of this chapter;
- (C) recommend any other changes to the proposed rule that would minimize the economic impact of the proposed rule on small businesses; or
- (D) recommend that the agency abandon or delay the rulemaking action until:

- (i) more data on the impact of the proposed rule on small businesses can be gathered and evaluated; or
- (ii) less intrusive or less costly alternative methods of achieving the purpose of the proposed rule can be effectively implemented with respect to small businesses.

(b) Upon receipt of the corporation's written comments under subsection (a), the agency shall make the comments available:

- (1) for public inspection and copying at the offices of the agency under IC 5-14-3;
- (2) electronically through the electronic gateway administered under IC 4-13.1-2-2(a)(5) by the ~~intenet~~ **commission; office of technology**; and
- (3) for distribution at the public hearing required by IC 4-22-2-26.

(c) Before finally adopting a rule under IC 4-22-2-29, and in the same manner that the agency considers public comments under IC 4-22-2-27, the agency must fully consider the comments submitted by the corporation under subsection (a). After considering the comments under this subsection, the agency

may:

- (1) adopt any version of the rule permitted under IC 4-22-2-29; or
- (2) abandon or delay the rulemaking action as recommended by the corporation under subsection (a)(2)(D), if applicable."

Page 1, line 4, delete "One Map for Indiana" and insert **"Indiana GIS Mapping Standards"**.

Page 1, line 5, delete "'association" means an entity" and insert **"data exchange agreement" means an agreement concerning exchange of any GIS data or framework data."**

Page 1, delete lines 6 through 8.

Page 2, line 6, delete "electronic" and insert **"Indiana mapping data and standards fund established by section 20 of this chapter."**

Page 2, delete line 7.

Page 2, line 10, delete "'Indiana map" means a" and insert **"IGIC" means the nonprofit entity:**

- (1) known as the Indiana Geographic Information Council, or its successor organization; and
- (2) with articles of incorporation or the bylaws that provide the following:

(A) The board of directors must have at least three (3) and not more than thirty-three (33) directors.

(B) The board of directors must have three (3) directors from state government, of which two (2) of the three (3) directors from state government must be appointed as follows:

- (i) One (1) director appointed by the governor.
- (ii) One (1) director appointed by the lieutenant governor.

(C) If the board of directors has more than three (3) directors, the directors other than the directors appointed under subdivision (2)(A) must represent public and private entities with an interest in GIS."

Page 2, delete line 11.

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"Sec. 11. As used in this chapter, "state GIS officer" refers to the individual appointed under section 14 of this chapter.

Sec. 12. As used in this chapter, "statewide base map" means an electronic map of Indiana consisting of framework data for Indiana.

Sec. 13. As used in this chapter, "statewide data integration plan" means a plan:

- (1) to integrate GIS data and framework data developed and maintained by different units of the federal, state, and local government into statewide coverage of framework data; and
- (2) that includes details for:
  - (A) an inventory of existing data;
  - (B) stakeholder data requirements;
  - (C) identification of data stewards;
  - (D) data standards and schema, costs, work flow, data transfer mechanisms, update frequency, and maintenance; and
  - (E) identification of appropriate data sharing policies and mechanisms to facilitate intergovernmental data exchange, such as data exchange agreements.

Sec. 14. (a) Except as provided in subsections (b) and (c), the governor shall appoint the individual nominated by the IGIC as the state GIS officer.

(b) The governor may request an alternative state GIS officer nomination from the IGIC.

(c) If the IGIC ceases to exist as defined in section 6 of this chapter, or refuses to make the nomination required under this section, the governor shall make the nomination and appointment of the state GIS officer required under this section.

Sec. 15. The state GIS officer shall do the following:

- (1) Function as the state's chief officer for GIS matters.
- (2) Review and either veto or adopt both the:

- (A) state's GIS data standards; and
- (B) statewide data integration plan;

as recommended by the IGIC. If either of the recommendations is vetoed, the state GIS officer shall return the recommendation to the IGIC with a message announcing the veto and stating the reasons for the veto. If the IGIC ceases to exist as defined in section 6 of this chapter or refuses to make the recommendations listed in this subsection, the state GIS officer may develop and adopt state GIS data standards and a statewide data integration plan. The standards and the plan adopted under this subsection must promote interoperability and open use of data with various GIS software, applications, computer hardware, and computer operating systems.

- (3) Act as the administrator of:

- (A) the state standards and policies concerning GIS data and framework data;
- (B) the statewide data integration plan; and
- (B) any data the state data center is responsible for under this chapter.

- (4) Enforce the state GIS data standards and the statewide data integration plan adopted under subdivision (2) through the use of:

- (A) GIS policies developed for state agencies; and
- (B) data exchange agreements involving an entity other than a state agency.

- (5) Coordinate the state data center's duties under this chapter.

- (6) Act as the state's representative for:

- (A) requesting grants available for the acquisition or enhancement of GIS resources; and
- (B) preparing funding proposals for grants to enhance coordination and implementation of GIS.

- (7) Coordinate any GIS projects involving the state data center or a state agency.

- (8) Cooperate with the United States Board on Geographic Names established by P.L.80-242 by serving as the state names authority for Indiana.

- (9) Publish a biennial report.

- (10) Represent Indiana's interests in communications and discussions with federal agencies regarding spatial data, spatial data exchanges, cost leveraging opportunities, spatial data standards, and other GIS related issues.

- (11) Facilitate GIS data cooperation between units of the federal, state, and local governments.

- (12) Promote the development and maintenance of statewide GIS data and framework data layers associated with a statewide base map (orthophotography, cadastral, transportation, elevation, surface water, geodetic control, and boundaries).

- (13) Approve and maintain data exchange agreements to which the state data center or a state agency is a party.

- (14) Use personnel from state educational institutions to provide technical support to the:

- (A) state GIS officer in carrying out the officer's duties under this chapter; and
- (B) IGIC.

Sec. 16. The publication and access requirements of this chapter do not apply to data that would otherwise be exempt from public disclosure under IC 5-14-3-4(b)(19).

Sec. 17. The state data center shall do the following:

- (1) Function as the state's depository of all GIS data and framework data obtained by a state agency.

- (2) Acquire, publish, store, and distribute GIS data and framework data as directed by the state GIS officer.
- (3) Integrate GIS data and framework data developed and maintained by state agencies and political subdivisions into the statewide base map.
- (4) Maintain a state historical inventory of GIS data, framework data, electronic maps, and GIS applications.
- (5) Except as otherwise provided in this chapter, provide public access to GIS data and framework data in locations throughout Indiana.
- (6) Provide assistance to state agencies and political subdivisions regarding public access to GIS data and framework data so that information is available to the public while needed confidentiality is protected for certain data from electronic maps.
- (7) Develop and maintain statewide framework data layers associated with a statewide base map or electronic map (orthophotography, cadastral, transportation, elevation, surface water, geodetic control, and boundaries).
- (8) Execute the state's responsibilities under data exchange agreements with political subdivisions, as directed by the state GIS officer, to increase the amount of GIS data and framework data available to the state.
- (9) Publish and distribute the state GIS data standards and the statewide data integration plan adopted by the state GIS officer under section 15(2) of this chapter.

**Sec. 18.** The state GIS officer shall coordinate with state educational institutions to do the following:

- (1) Promote formal GIS education opportunities for full-time and part-time students.
- (2) Provide informal GIS learning opportunities through a series of seminars and noncredit concentrated classes provided throughout Indiana.
- (3) Coordinate research assets for the benefit of Indiana by maintaining inventories of the universities' academic and technical GIS experts, data and technology resources, and research interests for collaboration to pursue research grant opportunities.
- (4) Implement an outreach network to Indiana political subdivisions to enhance communication and data sharing among state government, political subdivisions, and the business community.

**Sec. 19.** (a) Except as provided in subsection (b), a state educational institution may not bid on contracts to create GIS data or framework data for the benefit of a state agency or political subdivision. This section shall not be construed to prohibit the purchase of GIS data or framework data by a state agency or political subdivision from a state educational institution.

(b) If there is a lack of bids on contracts referred to in subsection (a), by entities other than state educational institutions, the state agency or political subdivision may, with the approval of the state GIS officer, solicit bids from state educational institutions.

**Sec. 20.** (a) The Indiana mapping data and standards fund is established for the following purposes:

- (1) Funding GIS grants.
  - (2) Administering this chapter.
- (b) The fund consists of the following:
- (1) Appropriations made to the fund by the general assembly.
  - (2) Gifts or grants received by the state for GIS purposes.
- (c) The state GIS officer shall administer the fund.
- (d) The expenses of administering the fund shall be paid from money in the fund.
- (e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

Interest that accrues from these investments shall be deposited in the fund.

**(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.**

**SECTION 3.** IC 5-22-22-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.5. (a) The purchasing agency may sell surplus property using an Internet auction site that satisfies both of the following:

(1) The site is approved by the ~~internet commission~~ **office of technology established by IC 4-13.1-2-1.**

(2) The site is linked to the electronic gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~internet commission~~ **office of technology.**

(b) The purchasing agency's posting of the sale on the Internet auction site must include a detailed description of the surplus property to be sold.

(c) The purchasing agency may pay the costs of conducting the auction on the Internet site as required by the person maintaining the auction site.

**SECTION 4.** IC 9-14-3-5, AS AMENDED BY P.L.210-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), (d), or (e), the bureau shall prepare and deliver information on titles, registrations, and licenses and permits upon the request of any person. All requests must be:

(1) submitted in writing; or

(2) made electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~internet commission~~ **under IC 5-21; office of technology;**

to the bureau and, unless exempted under IC 9-29, must be accompanied by the payment of the fee prescribed in IC 9-29-2-2.

(b) The bureau shall not disclose:

(1) the Social Security number;

(2) the federal identification number;

(3) the driver's license number;

(4) the digital image of the driver's license applicant;

(5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or

(6) medical or disability information;

of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

(1) to a law enforcement officer;

(2) to an agent or a designee of the department of state revenue;

(3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or

(4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the commission may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The commission may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

**SECTION 5.** IC 9-29-2-2, AS AMENDED BY P.L.210-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The fee to obtain information regarding vehicle titles under IC 9-14-3-5 is:

(1) four dollars (\$4) for each record requested in writing; and

(2) a fee to be determined by the bureau not to exceed four dollars (\$4), in conformance with IC 5-14-3-8, for each record requested electronically through the computer

gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21~~; **office of technology**; plus any service fee charged by the ~~intelenet commission~~; **office of technology established by IC 4-13.1-2-1**.

(b) The fee to obtain information regarding a license, vehicle registration, or permit under IC 9-14-3-5 is four dollars (\$4) for a record requested either:

(1) in writing; or

(2) electronically through the computer gateway administered **under IC 4-13.1-2-2(a)(5)** by the ~~intelenet commission under IC 5-21~~; **office of technology**;

plus any service fee charged by the ~~intelenet commission~~; **office of technology established by IC 4-13.1-2-1**.

(c) The fee imposed by this section and paid to the bureau is in lieu of fees established under IC 5-14-3-8 and does not apply to a law enforcement agency or an agency of government.

SECTION 6. IC 5-21 IS REPEALED [EFFECTIVE JULY 1, 2007]."

Page 2, delete lines 20 through 42.

Delete pages 3 through 4.

Renumber all SECTIONS consecutively.

(Reference is to SB 461 as printed February 14, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

RESKE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 524, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

STEVENSON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Engrossed Senate Bill 551, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.47-2006, SECTION 2, AS AMENDED BY P.L.91-2006, SECTION 2, AND AS AMENDED BY P.L.123-2006, SECTION 12, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an

emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.

(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-2.1-18-21.

(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 **(repealed)**.

(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 **(repealed)**.

(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) **(repealed)** or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) **(repealed)** or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

(i) establishing enforcement procedures; and

(ii) making assessments for failure to pay required tolls;

(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or

(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

**(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.**

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the *number of copies format* of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the *secretary of state publisher* for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The *secretary of state publisher* shall determine the *number of copies format* of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the *secretary of state publisher* shall:

(1) accept the rule for filing; and

(2) *file stamp and indicate electronically record* the date and time that the rule is accepted. *on every duplicate original copy submitted.*

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), ~~and~~ (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) *A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule."*

Page 3, line 14, delete "seven (7)" and insert "**nine (9)**".

Page 3, line 21, delete "Five (5)" and insert "**Seven (7)**".

Page 3, line 21, delete "." and insert "**, of which at least:**

**(A) one (1) individual must be a licensed physician who is actively engaged in the practice of medicine; and**

**(B) one (1) individual must be engaged in the administration of a hospital licensed under IC 16-21."**

Page 6, delete lines 25 through 27, begin a new paragraph and insert:

**"Sec. 8. The corporation shall adopt rules under IC 4-22-2 to carry out the corporation's duties under this article. The board may also adopt emergency rules under IC 4-22-2-37.1 to carry out the board's duties under this article."**

Page 7, line 5, delete "the private sector" and insert "**nonprofit entities**".

Page 7, delete lines 7 through 8, begin a new line block indented and insert:

**"(3) All other contributions received by the corporation from a nonprofit entity, as long as the nonprofit entity does not otherwise have an interest in the decisions of the corporation or board."**

Page 7, line 16, delete "a gift, donation," and insert "**the**".

Page 7, line 17, delete "bequest, devise, or other private sector funding,".

Page 7, line 22, delete "private sector" and insert "**nonprofit entity**".

Page 7, line 22, delete "funding, gifts,".

Page 7, line 23, delete "donations, bequests,".

Page 7, line 23, delete ", and devises." and insert ".".

Page 10, line 5, delete "from the private sector".

Page 10, line 6, delete "." and insert "**from nonprofit entities that do not otherwise have an interest in the decisions of the corporation or board."**

Renumber all SECTIONS consecutively.

(Reference is to SB 551 as printed February 7, 2007.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RESKE, Chair

Report adopted.

## ENGROSSED SENATE BILLS ON THIRD READING

### Engrossed Senate Bill 157

Representative Austin called down Engrossed Senate Bill 157 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 417: yeas 93, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 311

Representative Welch called down Engrossed Senate Bill 311 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage.

#### HOUSE MOTION (Amendment 311-2)

Mr. Speaker: I move that Engrossed Senate Bill 311 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 9, line 4, delete "5" and insert "6".

(Reference is to ESB 311 as reprinted March 28, 2007.)

WELCH

There being a two-thirds vote in favor of the motion, the motion prevailed.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 311, begs leave to report that said bill has been amended as directed.

WELCH

Report adopted.

The question then was, Shall the bill pass?

Roll Call 418: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 419

Representative Bardon called down Engrossed Senate Bill 419 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Representative Whetstone was excused from voting, pursuant to House Rule 46. Roll Call 419: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 435

Representative L. Lawson called down Engrossed Senate Bill 435 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. After discussion, Representative L. Lawson withdrew the call of Engrossed Senate Bill 435.

### Engrossed Senate Bill 534

Representative Kuzman called down Engrossed Senate Bill 534 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 420: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 201 had been referred to the Committee on Ways and Means.

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1058, 1192, 1305, and 1835 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 49 and 50 and the same are herewith returned to the House.

MARY C. MENDEL  
Principal Secretary of the Senate

#### PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Stutzman's second reading amendment to Engrossed Senate Bill 327 (327-12), Roll Call 416, on March 29, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

ORENTLICHER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 416 to 50 yeas, 45 nays.*]

#### HOUSE MOTION

Mr. Speaker: I move that Representatives Porter and T. Harris be added as cosponsors of Engrossed Senate Bill 29.

ROBERTSON

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson removed as sponsor and Representative Crooks be substituted as sponsor of Engrossed Senate Bill 206.

STEVENSON

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Dermody be added as cosponsor of Engrossed Senate Bill 261.

DEMBOWSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 372.

C. BROWN

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Candelaria Reardon, the House adjourned at 5:05 p.m., this twenty-ninth day of March, 2007, until Monday, April 2, 2007, at 1:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives